



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 5, 1991

Mr. Charles Williams
Superintendent
Van Alstyne Independent School District
P. O. Box 518
Van Alstyne, Texas 75495

OR91-615

Dear Mr. Williams:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14254.

As superintendent for the Van Alstyne Independent School District (the district), you inquire whether the district is required to release to a school board trustee copies of privileged communications between the district and its attorney when the trustee has previously had access to the communications during an executive session of the school board.

Your request is governed by a previous determination of this office. In Attorney General Opinion JM-119 (1983), this office determined that the Open Records Act does not control the right of access by a member of a governmental body to information in that governmental body's possession and that a trustee of a community college district, acting in his official capacity, does not receive information from the district as a member of the public, but rather as a member of the board. The opinion concluded that a trustee of a community college district has an inherent right of access to records of that governmental body when the records are sought in the trustee's official capacity.

Because the transfer of information within a governmental body does not constitute a release of information to the public, *see* Attorney General Opinion JM-

1235 (1990), we need not address whether the information at issue comes within the protection of any of the exceptions to required public disclosure listed in section 3(a) of the Open Records Act.

You also inquire whether the information may be released to the school board trustee with a proviso that the information not be transmitted to any member of the public and whether there is any penalty or legal recourse the district can pursue in the event the information is released by the school board trustee to members of the public. The questions you pose concern matters outside the scope of the Open Records Act. Sections 402.042 and 402.043 of the Government Code, which authorize us to issue legal opinions on matters other than the Open Records Act, set out the public officials who may request such opinions; we are prohibited by section 402.045 of the Code from giving legal advice or a written opinion to any other person. Because school district superintendents are not among those authorized to seek legal opinions from this office, we are not authorized to address your other questions at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-615.

Yours very truly,



Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/RWP/lcd

Ref.: ID# 14254
ID# 14258
ID# 13660

Enclosure: Attorney General Opinion s JM-119, JM-1235

cc: Mr. Charles Macklin
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